

Missouri Department of Natural Resources



PUBLIC NOTICE

DRAFT MISSOURI STATE OPERATING PERMIT

DATE: July 16, 2004

In accordance with the state Clean Water Law, Chapter 644, RSMo, Clean Water Commission regulation 10 CSR 20-6.010, and the federal Clean Water Act, the applicants listed herein have applied for authorization to either discharge to waters of the state or to operate a no-discharge wastewater treatment facility. The proposed permits for these operations are consistent with applicable water quality standards, effluent standards and/or treatment requirements or suitable timetables to meet these requirements (see 10 CSR 20-7.015 and 7.031). All permits will be issued for a period of five years, unless noted otherwise in the Public Notice for that discharge.

On the basis of preliminary staff review and the application of applicable standards and regulations, the Missouri Department of Natural Resources (MDNR), as administrative agent for the Missouri Clean Water Commission, proposes to issue a permit(s) subject to certain effluent limitations, schedules, and special conditions. The proposed determinations are tentative pending public comment.

Persons wishing to comment on the proposed permit conditions are invited to submit them in writing to the Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102, ATTN: Peter Goode, Professional Engineer. Please include the permit number in all comment letters.

Comments should be confined to the issues relating to the proposed action and permit(s) and the effect on water quality. The MDNR may not consider as relevant comments or objections to a permit based on issues outside the authority of the Clean Water Commission, (see Curdt v. Mo. Clean Water Commission, 586 S.W.2d 58 Mo. App. 1979).

All comments must be postmarked by August 16, 2004 or received in our office by 5:00 p.m. on August 19, 2004. The requirement of a signed document makes it impossible to accept email comments for consideration at this time. Comments will be considered in the formulation of all final determinations regarding the applications. If response to this notice indicates significant public interest, a public meeting or hearing may be held after due notice for the purpose of receiving public comment on the proposed permit or determination. Public hearings and/or issuance of the permit will be conducted or processed according to 10 CSR 20-6.020.

Copies of all draft permits and other information including copies of applicable regulations are available for inspection and copying at DNR's website, <http://www.dnr.state.mo.us/wpscd/wpcp/homewpcp.htm>, or at the Department of Natural Resources, Water Protection Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, Missouri 65102, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Public Notice Date: July 16, 2004

Permit Number: MO-0105945

Northeast Regional Office

FACILITY NAME AND ADDRESS	NAME AND ADDRESS OF OWNER
Disposal Properties, LLC 1 Mile East Highway 50 Tipton, MO 65081	Disposal Properties, LLC 1501 Washington Street Braintree, MA 02185
RECEIVING STREAM & LEGAL DESCRIPTION	TYPE OF DISCHARGE
Tributary to Smiley Creek, Sec. 23, T45N, R17W, Moniteau County	Industrial, reissuance

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No. MO-0105945

Owner: Disposal Properties, LLC
Address: 1501 Washington Street, Braintree, MA 02185

Continuing Authority: Same as above
Address: Same as above

Facility Name: Disposal Properties, LLC
Address: 1 Mile East Highway 50, Tipton, MO 65081

Legal Description: NE ¼, NE ¼, Sec. 23, T45N, R17W, Moniteau County
Latitude/Longitude: +3839077/-09244591

Receiving Stream: Tributary to Smiley Creek (U)
First Classified Stream and ID: Smiley Creek (C) (00810)
USGS Basin & Sub-watershed No.: (10300102-160004)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

Outfall #001 - Industrial Building/Storm water Runoff/Parking Lot - SIC #4953
The discharge of uncontaminated storm water runoff from the plant grounds around the building and parking lot area. This permit does not authorize the discharge of process wastewater or cooling water or contaminated storm water. Design flow is 4.492 MGD. Actual flow is dependent upon rainfall (24-hour, 10-year rainfall event).

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

Effective Date

Stephen M. Mahfood, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

Expiration Date
MO 780-0041 (10-93)

Jim Hull, Director of Staff, Clean Water Commission

				PAGE NUMBER 2 of 6		
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS				PERMIT NUMBER MO-0105945		
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #001</u> (Special Condition #6)						
Flow	MGD	*		*	once/year***	24 hr. total
Oil and Grease	mg/L	15.0		10.0	once/year***	grab
pH - Units	SU	**		**	once/year***	grab
PCB (Note 1)	ug/L	*		*	once/year***	grab
Chemicals currently accepted for handling, processing or storage (Note 3)	mg/L	*		*	once/year***	grab
<u>Water Discharged to Septic System</u> (Special Condition #9)						
PCB (Note 1)	ug/L	*		*	once/year***	grab
Chemicals currently accepted for handling, processing or storage (Note 3)	mg/L	*		*	once/year***	grab
<u>Sediment Sampling</u> (See Special Condition #7)						
PCB (Note 2)	ug/kg	*		*	once/year***	composite
Chemicals currently accepted for handling, processing or storage (Note 3)	ug/kg	*		*	once/year***	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE _____. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

MO 780-0010 (8/91)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only.
 - ** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0 pH units.
 - *** Permittee shall collect and analyze one storm water sample per year, taken during a rainfall event that results in a discharge. Sample may be taken during the months of February through June and submitted by <Month ann. Rept.> of each year.
- The monitoring frequency of parameters listed in this permit has been temporarily reduced to once per year because the facility is currently not in operation. The Missouri Department of Natural Resources, Northeast Regional Office, Water Pollution Control Unit should be notified at least 90 days prior to the reopening of this facility so that the monitoring frequency may be modified accordingly.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Note 1 - You must use EPA method 8082, which has a quantification limit of no greater than 0.5 µg/L. For reporting purposes on the discharge monitoring report (DMR), all analytical values below 0.5 µg/L shall be reported as "<quantlim". Values below the quantification limit will be considered in compliance. All analytical values at or above the quantification limit of 0.5 µg/L shall be reported as the measured value.

Note 2 - You must use EPA method 8082, which has a quantification limit of no greater than 20 µg/kg for soils. For reporting purposes on the discharge monitoring report (DMR), all analytical values below 20 µg/kg shall be reported as "<quantlim". Values below the quantification limit will be considered in compliance. All analytical values at or above the quantification limit of 20 µg/kg shall be reported as the measured value.

Note 3 - The permittee shall analyze for chemicals listed in 40 CFR 122 Appendix D that have been approved by DNR's Hazardous Waste Program and are currently accepted for handling, processing or storage. The permittee shall submit a written list of these new chemicals to the Water Protection Program as described in Attachment 1, Conditions Part I.

C. SPECIAL CONDITIONS

1. This permit may be renewed, modified, or alternatively revoked and reissued, to:
 - (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
 - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

2. All outfalls must be clearly marked in the field.
3. Report as no-discharge when a discharge does not occur during the report period.
4. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

C. SPECIAL CONDITIONS (continued)

4. Changes in Discharges of Toxic Substances (continued)

- (1) One hundred micrograms per liter (100 ug/L);
- (2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
- (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
- (4) The level established in Part A of the permit by the director.

b. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

5. General Criteria. The following water quality criteria shall be applicable to all waters of the state at all times including navigable waters. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:

- (a) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unattractive or harmful bottom deposits or prevent full maintenance of beneficial uses;
- (b) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
- (c) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
- (d) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
- (e) There shall be no significant human health hazard from incidental contact with the water;
- (f) There shall be no acute toxicity to livestock or wildlife watering;
- (g) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
- (h) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.

6. Permittee shall test storm water runoff each year for PCB-1016, PCB-1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254 and PCB-1260. In addition, the permittee shall analyze the sample for the particular solvent or compound which is used in rinsing the transformers. Any changes in the use of the solvents or rinsing compounds shall be reported to this department and prior approval of the monitoring and testing procedures shall be obtained. This department shall be notified at least 90 days prior to the facility resuming operations.

7. Permittee shall collect a composite sediment sample representing the sediments in the drainage way between the outfall structure and the property boundary. The sample shall be composed of at least five approximately equal portions and thoroughly mixed and the sample withdrawn from the mixture. Samples shall be collected once per year between the months of February through June and submitted by <Month corresp. w/annual rept.>> Sample shall be analyzed for PCB-1016, PCB-1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254 and PCB-1260.

- (a) If this sampling demonstrates an off-site migration of PCB's, permittee shall promptly develop, gain approval of DNR and implement a process of recovery and clean-up.

C. SPECIAL CONDITIONS (continued)

8. Releases from this facility shall not cause or contribute to violations of 10 CSR 20-7.031 Missouri Water Quality Standards. Precipitation shall not be allowed to come into contact with any source of PCB contamination. All storage and processing of PCB materials will be accomplished inside facility buildings.
9. Annual sampling results of water discharged to any on-site septic system or to a POTW shall be submitted to the Department. Analysis must include all parameters listed for Outfall #001 and Special Condition 6.
10. Permittee shall report to the Missouri Department of Natural Resources, Northeast Regional Office, Water Pollution Control Unit, any intended proposed changes in the nature of the operation or in the materials and wastes accepted for processing or disposal. Such a report shall be made at least ninety (90) days prior to initiating the changes.

D. OTHER REQUIREMENTS

1. Applicability

These conditions apply to all facilities which use, manufacture, store, handle or discharge any pollutant listed under Section 307(a)(1) of the Clean Water Act or any pollutant listed under Section 311 of the Act and who have ancillary manufacturing operations which could result in significant amounts of these pollutants reaching waters of the United States. These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas.

2. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes the potential for, the release of toxic substances from ancillary activities to the waters of the United States through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw materials storage.

3. Implementation

The BMP plan shall be developed as soon as possible but in no event later than three months from the permit issuance and shall be implemented as soon as possible but in no event later than two months after approval by the Department.

4. General Requirements

The BMP plan shall:

- (a) Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
- (b) Establish specific objectives for the control of toxic and hazardous pollutants.
 - (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances to result in significant amounts of toxic or hazardous pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow and total quantity of toxic or hazardous pollutants which could be discharged from the facility as a result of each condition or circumstance.

D. OTHER REQUIREMENTS (continued)

- (c) Establish specific best management practices to meet the objectives identified under Paragraph 4b of this section, addressing each component or system capable of causing a release of significant amounts of toxic or hazardous pollutants to the waters of the United States.
- (d) Include any special conditions established in Section B of this permit.
- (e) Insure no release of PCB's to waters of the state of Missouri at or above the level of quantification.
- (f) Be reviewed by plant engineering staff and the plant manager.

5. Specific Requirements

The plant shall be consistent with the general guidance contained in the publication entitled "NPDES Best Management Practices Guidance Document" and shall include the following baseline BMP's as a minimum:

- a. BMP Committee
- b. Reporting of BMP Incidents
- c. Risk Identification and Assessment
- d. Employee Training
- e. Inspections and Records
- f. Preventive Maintenances
- g. Good Housekeeping
- h. Materials Compatibility
- i. Security

6. SPCC Plans

The BMP plan may reference requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Act and 40 CFR Part 1510, and may incorporate any part of such plans into the BMP plan by reference.

7. Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) (40 U.S.C. 6901 et seq). Management practices required under RCRA regulations shall be referenced in the BMP plan.

8. Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available to the Director upon request.

9. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operating of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of hazardous or toxic pollutants.

10. Modification for Ineffectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of toxic or hazardous pollutants to surface waters and the specific objectives and requirements under Paragraphs 4b and 4c, the permit and/or the BMP plan shall be subject to modification to incorporate the revised BMP requirements.